

Message

From: Keast, Julia [/O=EXCHANGELABS/OU=EXCHANGE ADMINISTRATIVE GROUP (FYDIBOHF23SPDLT)/CN=RECIPIENTS/CN=F61CD9EA66604F7394845C3856D04D6D-KEASTJU]
Sent: 2/7/2022 6:30:31 PM
To: Deans, Diane [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=834526f1361a48a7ad7397177063e574-deansdi]
CC: Bradley, Jessica [/o=ExchangeLabs/ou=Exchange Administrative Group (FYDIBOHF23SPDLT)/cn=Recipients/cn=c5a7e40f634749be8aa96371c1d94623-bradleyje1]
Subject: FW: Memo to Council - Ongoing Demonstration
Attachments: Memo to Council - Questions - Ongoing Demonstrations Feb 7 2022.pdf

Importance: High

Hi Diane,

The attached memo provides some information in response to your legal questions. Highlighted in yellow below are some answers about curfews and injunctions.

1. **Declaration of a “riot”** – section 67 of Criminal Code – no indication from the OPS that making this proclamation would expand their existing criminal law enforcement powers or be of any additional benefit to their ongoing operations.
2. **National Defence Act** – the attorney general of the province can write to the Chief of the Defence Staff to be called out on service in aid of the civil power. Under this section, CF are empowered to act as peace officers under the law and could be engaged to patrol specific areas to protect people and property, or to keep the peace and guide traffic.
3. **Federal Emergencies Act (War Measures Act)** – Federal Cabinet could declare a public order emergency following consultation with the Lieutenant Governor in Council of any Province. A public order emergency can only be declared if the effects aren't confirmed to one province.
4. **Declaration of an emergency under Emergency Management and Civil Protection Act** – does not give the City any extraordinary powers (including imposition of curfew). Only the province can impose a curfew in the event of a provincial declaration of emergency. Police have not advised of any gap in their existing enforcement powers that might be addressed by declaring a provincial statement of emergency.
5. **Use of Administrative Monetary Penalties** – Kingston did this in when university classes resumed in 2020. Legal opinion is that this approach isn't available to the City, which operates under a system of fines imposed pursuant to the Provincial Offences Act. Fines are established by the Chief Judge of the Ontario Court of Justice.
6. **Civil Remedies and Injunctive Relief** – OPS has legal authority to take enforcement action pursuant to its existing authority as derived from the Criminal Code, Highway Traffic Act and City by-laws. To date, no gaps in their legal enforcement authority have been identified. But the City is prepared to move quickly to seek an injunction if it is determined that this order would support operational plans of the Service.

Julia Keast

Councillor Diane Deans' Office | Bureau de la conseillère Diane Deans
City of Ottawa | Ville d'Ottawa
613.580.2480
www.DianeDeans.ca

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From: Kilner, Lisa <Lisa.Kilner@ottawa.ca> **On Behalf Of** White, David
Sent: February 07, 2022 12:33 PM
To: Watson, Jim (Mayor/Maire) <Jim.Watson@ottawa.ca>; =City Council <CityCouncil@ottawa.ca>
Cc: >Senior Leadership Team <seniorleadershipteam@ottawa.ca>; Arpin, Serge <Serge.Arpin@ottawa.ca>; Box, Steve

<Steve.Box@ottawa.ca>; Lanthier-Seymour, Andrea <Andrea.Lanthier@ottawa.ca>

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Français à suivre

Mayor Watson and Members of Council,

Please find attached a memo for your information.

Thank you,

DAVID G. WHITE

City Solicitor | Avocat général

Legal Services | Services juridiques

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T. 613. 580.2424 x21933 david.white@ottawa.ca